

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17816 FOR PETITION MIP-2062 FOR A PORTION OF DOCKET D-919

MINATARE MUTUAL CANAL AND IRRIGATION COMPANY

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation Docket D-919 is held by the Minatare Mutual Canal and Irrigation Company. Docket D-919 is an appropriation with a priority date of January 14, 1888, to divert 95.94 cubic feet per second (cfs) of water for irrigation, and 20.06 cfs of water for incidental underground storage. This water is diverted from the North Platte River into the Minatare Canal at a point of diversion in Section 32, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M. in Scottsbluff County, to irrigate 6,715.6 acres of land.
2. On March 14, 2011, pursuant to Neb. Rev. Stat. § 46-250, Dan Weinreis (Petitioner), President of the Minatare Mutual Canal and Irrigation Company, filed in the Department petition MIP-2062 for approval of a change in the water delivery route of 2.46 cfs of water under Docket D-919. The Petitioner is requesting approval to utilize a section of a canal belonging to the Nine Mile Irrigation District that crosses the Minatare Canal for delivery of water. The Petitioner proposes to divert 2.46 cfs of water from the Minatare canal into the Nine Mile Irrigation District's Nine Mile Canal, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 16, Township 21 North, Range 53 West of the 6<sup>th</sup> P.M. in Scottsbluff County for delivery to the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, Township 21 North, Range 53 West to irrigate 172 acres under Docket D-919.
3. The Petitioner provided copies of conveyance agreements for this arrangement between the Patron, Alan Fyfe, and both the Minatare Mutual Canal and Irrigation Company and the Nine Mile Irrigation District. The two agreements have been provided to the Department.
4. On May 10, 2011, the Department approved petition MIP-2152 with the condition that the appropriator must file with the Department a map showing the location of the diversion structure from Minatare Canal into Nine Mile Canal and where the water will exit the Nine Mile Canal.
5. On October 3, 2011, Dan Weinreis, President of the Minatare Mutual Canal and Irrigation Company, filed map number 17816 showing the location of diversion of water from the Minatare Canal to the Nine Mile Canal and the land proposed to be irrigated using the 2.46 cfs of water under petition MIP-2062.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17816 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under Docket D-919 through petition MIP-2062 as depicted on map number 17816 which is made a part of this Order.

Township 21 North, Range 53 West of the  
6<sup>th</sup> P.M. in Scotts Bluff County      Acres

Section 21:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10</u>
	TOTAL	172

3. A portion of Docket D-919, through petition MIP-2062 authorizes Minatare Mutual Canal and Irrigation Company to spill 2.46 cfs of water into Nine Mile Canal in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 16, Township 21 North, Range 53 West of the 6<sup>th</sup> P.M. in Scotts Bluff County and then to the Rangler lateral canal and the same amount of water or less withdrawn in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, Township 21 North, Range 53 West of the 6<sup>th</sup> P.M. in Scottsbluff County for irrigation of 172 acres.
4. The rate that water may be delivered under MIP-2062 shall not exceed one cfs for every 70 acres irrigated nor the least amount of water necessary for the production of crops in the exercise of good husbandry. This appropriation of water under any circumstance shall be limited annually to three acre-feet per acre of land on which water is actually and beneficially applied.
5. All terms and conditions of Docket D-919 remain in effect unless specifically changed by this order.
6. The appropriator must comply with all relevant statutes. This includes obtaining approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.


ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

December 7, 2011

  
Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure 454 Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17816 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order, map number 17816, and Surface Water Administration brochure were mailed on December 7, 2011, to the following:

Minatare Mutual Canal & Irrigation Company  
290151 Cattle Drive  
Minatare, Nebraska 69356

Nine Mile Irrigation District  
P.O. Box 597  
Bayard, Nebraska 69334-0597